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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/582,488	06/12/2006	Yasunaga Kayama	127629	2205
25944	7590	05/26/2010		
OLIFF & BERRIDGE, PLC			EXAMINER	
P.O. BOX 320850			ASFAW, MESFIN T	
ALEXANDRIA, VA 22320-4850				
			ART UNIT	PAPER NUMBER
			2882	
			NOTIFICATION DATE	DELIVERY MODE
			05/26/2010	ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

OfficeAction25944@oliff.com  
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### Office Action Summary

**Application No.**

10/582,488

**Applicant(s)**

KAYAMA ET AL.

**Examiner**

Mesfin T. Asfaw

**Art Unit**

2882

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 28 December 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 45-72 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 45, 54-58, 71 and 72 is/are rejected.
- 7) ☒ Claim(s) 46-53 and 59-70 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/06)  
Paper No(s)/Mail Date 04/29/2010
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 12/28/2009 has been entered.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 45, 54-58, and 71-72 are rejected under 35 U.S.C. 102(b) as being anticipated by Ushida [JP 10303114 A] (translation of this document is provided by Applicant in the IDS filed: 10/20/2006).

**As per Claim 45**, Ushida teaches an exposure apparatus (See fig. 1), comprising:

a movable body (wafer holder WH, and stage 34) that is movable holding a substrate W that has been carried from outside;

a liquid supply device (See fig. 4, supply unit 64) that forms a liquid immersion area by supplying liquid LQ on the movable body or the substrate held on the movable body (Para 38);

an optical member PL that irradiates the substrate with an exposure light via the liquid in the liquid immersion area, the liquid immersion area being formed between the optical member and the substrate; and

a position setting device 36 that sets a position of the movable body at a predetermined position by moving the movable body using positional information of the movable body (Para 19), wherein

in a state where the liquid immersion area is formed, the position setting device moves the movable body with first control that uses the positional information (Para 22-23 and Para 45-46), and in a state where the liquid immersion area is not formed, the position setting device moves the movable body using the positional information, with second control that is different from the first control (Para 47 and 53).

**As per Claim 54**, Ushida teaches wherein in the first control, the position setting device 36 moves the movable body by obtaining the positional information in a first calculation process (Para 19 and 28), and in the second control, the position setting device moves the movable body by obtaining the positional information in a second calculation process that is different from the first calculation process (Para 47 and 53).

**As per Claim 55**, Ushida teaches wherein by the second control, the position setting device moves the movable body from a loading position where the substrate is

loaded on the movable body to a supply start position where supply of the liquid is started by the liquid supply device (Para 46-47 and 53).

**As per Claim 56**, Ushida teaches wherein the exposure apparatus is a scanning exposure apparatus (Para 23), and the position setting device 36 moves the movable body 34, with the second control (Para 46-47 and 53, when there is no immersion liquid is disposed), from the loading position to the supply start position, and moves the movable body, with the first control, from the supply start position to a scanning start position where scanning of the movable body for scanning exposure is started (Para 22-23 and Para 45-46).

**As per Claim 57**, Ushida teaches wherein by the second control, the position setting device moves the movable body from a recovery position used to recover the liquid in the liquid immersion area to an unloading position where the substrate is unloaded from the movable body (Para 53).

**As per Claim 71-72**, Ushida teaches a lithography process in which a device pattern is formed on a substrate with the exposure apparatus (Para 1).

***Allowable Subject Matter***

4. Claims 46-53, and 59-70 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mesfin T. Asfaw whose telephone number is 571-270-5247. The examiner can normally be reached on Monday to Friday, 7:30 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward J. Glick can be reached on 571-272-2490. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Mesfin T Asfaw/  
Examiner, Art Unit 2882

/Edward J Glick/  
Supervisory Patent Examiner, Art Unit 2882